THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.14714 of 2002

Dated:14.06.2007

Between:

Smt.Yellanki Kanthamma, W/o.Late Satyamaiah.

…Petitioner

and

The District Collector, Khammam District, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.14714 of 2002

ORDER: (Per the Hon'ble Sri Justice V.V.S.Rao)

The petitioner is the wife of one Yallanki Satyamaiah. It is alleged that he purchased the land admeasuring Acs.6.00 in Survey No.241/A situated at Kakarla Village of Julurpad Mandal in Khammam District from Kalluri Uma Maheshwar Rao under an agreement of sale executed in 1963. The Mandal Revenue Officer addressed a letter to the second respondent based on which LTR Case No.1129/94/JLP was initiated. Notice was issued to the husband of the petitioner. It appears, he appeared before the authority, but did not produce any evidence in justification of his occupation of the land. Therefore, by order dated 04.08.1995 the second respondent ordered eviction of the petitioner. When the Mandal Revenue Inspector went to the land on 29.07.2002 for implementing the eviction orders, the petitioner filed the instant Writ Petition assailing the same alleging that her husband died in 1997 and he was never given any notice by the second respondent before passing the order under Section 3(2) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (Regulation No.I of 1959).

A counter affidavit is filed by the second respondent opposing

the Writ Petition, *inter alia,* on the ground that the petitioner's husband appeared and failed to produce the documents in support of his possession, and therefore, the impugned order was passed. All other allegations made by the petitioner including the allegation that no notice was issued to the petitioner's husband were denied.

Though counter affidavit is filed way back on 01.05.2003, reply affidavit is not filed denying the counter averments. Thus, the counter averments stand unrebutted, and therefore, we are not inclined to accept the submission of the learned Counsel for the petitioner that order was passed by the second respondent on 04.08.1995 without issuing notice to the husband of the petitioner. However, having regard to the fact that even according to the second respondent, the petitioner's husband was in possession of the land for some time prior to passing of the order in 1995, we deem it appropriate to give liberty to the petitioner to prefer an appeal under Section 3(3) of Regulation No.I of 1959 before the District Collector and Agent to the Government or other competent authority. Four weeks time from the date of receipt of a copy of this order is granted to the petitioner to prefer the appeal, and as and when the appeal is filed, the appellate authority shall dispose of the same within a period of three weeks thereafter. This Court while admitting the Writ Petition on 13.08.2002 ordered *status quo*. If the petitioner is still in possession of the land, and the land is not assigned to other third parties, there shall be *status quo* as on today till the matter is disposed of by the appellate authority.

The Writ Petition is accordingly disposed of. No costs.

(V.V.S.RAO, J)

(G.V.SEETHAPATHY, J)

14.06.2007
vs